

REMARKS

Applicant hereby expressly disclaims the claim of priority from Provisional Patent Application Serial No. 60/460,283 filed on April 3, 2003. Applicant accepts April 1, 2004 as the effective filing date hereof.

Claims 16 to 22 are pending. Claims 16 to 22 stand finally rejected. Claim 16 has been amended to more clearly distinguish over the prior art: in line 1, the tray is stated to be for a plurality of medical accessories necessary to perform a medical procedure; the upper and lower portions are stated to be frictionally engaged at least at the corners of the upper and lower portions, replacing "plurality of locations along the interior sidewall"; and the upper and lower portions included assured mechanical locking at least along the first and second major sides, when in the closed position. None of the amendments is believed to introduce new matter into the application, and none of the amendments is believed to introduce new issues requiring further search. Support for the several amendments is found in the Specification in Paragraphs [0003], [0005], [0012], [0013], [0016] and [0024].

Claim 16 stands rejected under 35 USC § 102(b) as being anticipated by Knapp (U.S. Patent No. 5,540,324). The rejection is respectfully traversed. Reference Knapp discloses a tray with upper and lower portions for containing an article of jewelry such as a necklace, or a necklace with a pendant. The lower portion includes a peripheral pedestal to support a necklace (or chain), and the upper portion includes a complementary channel-like recess to receive therein the pedestal upon which the necklace(s) is (are) resting, all to maintain in position the necklace(s) during shipping and handling. The lower portion further includes an additional pedestal in communication with the peripheral pedestal for supporting a pendant of the necklace, with a complementary recess in the upper portion. The upper and lower portions are hinged along a first side, and a snap projection within the peripheral pedestal extends upwardly to lockingly engage with a corresponding recess in

the upper portion to secure together the upper and lower portions. The reference states that the “shoulder 42 acts as an engagement means with complementary shoulder 18 to keep base 12 and cover 14 securely together” (Column 3, lines 42 to 4), where shoulders 42 and 18 extend about the periphery of the upper and lower portions.

Reference Knapp, in the “Summary”, states that the cover and base have “at least one recess therein for receipt of at least one article such as a jewelry chain or the like” and “at least one mating pedestal”, “such that the mating pedestal may be at least partially contained [in] the recess in the cover, thereby completely encasing the jewelry chain in the package . . .” However, the reference states that more than one necklace may be placed on the peripheral pedestal, such as necklaces of differing lengths where a longer one may be partially disposed on an adjunct pedestal 62 connected to pedestal 24 near the hinge. At column 3, lines 59 to 63 the reference states, “[c]onsequently, when recess 48 receives pedestal 24, and mates therewith upon closing cover 14 to base 12, there is still adequate space in recess 48 for encasing at least one chain or necklace.”(emphasis added).

A fair characterization of reference Knapp is that the tray has a single pedestal and corresponding recess for an article, wherein more than one article may be accommodated, and that the single pedestal and recess have adjoining pedestal and recess portions in the event it is desired to accommodate longer necklaces or a necklace with a pendant. The reference does not therefore anticipate a tray with multiple separate compartments for multiple articles. The reference also does not anticipate a tray with mechanical locking along first and opposed sides, with the hinge comprising one mechanical locking, since the primary other locking section is disposed centrally within the periphery, not along a side opposed from the hinge. Claim 16 as amended is believed not to be anticipated by reference Knapp.

Further, it is believed that the invention as presently claimed provides for more assured locking in the closed position, with both major sides being locked, either by the integral hinge, or the interlocking tabs. The invention as presently claimed is now expressly directed toward a plurality of

medical accessories for performing a medical procedure, where such a tray contains all the necessary accessories for the medical procedure, is and must be maintained sterile, and is to be opened only during surgery. This plurality of medical accessories is not the same as a plurality of like articles for economical shipping and storage as in Knapp, or use of the same tray design for different sizes of like articles. It is believed that the artisan would not consider jewelry trays with single compartments to be satisfactory for a plurality of medical accessories as presently claimed, and that more than routine engineering would be required to redesign such a single compartment tray to accommodate the plurality of medical accessories.

Claim 17 (and it is believed that the Examiner intended to include claims 18, 20 and 21) stands rejected under 35 USC § 103(a) as being unpatentable over Knapp in view of Roberts (U.S. Patent No. 4,681,223). Reference Knapp has been discussed hereinabove and reference Roberts has been discussed in the Amendment mailed October 14, 2005. Reference Roberts discloses a tray with a single compartment, not a plurality of compartments, so that if combined with Knapp still does not result in the present invention.

Claims 19 and 22 stand rejected under 35 USC § 103(a) as being unpatentable over Knapp in view of Roberts and further in view of Vigue et al (U.S. Patent No. 5,036,980). Reference Vigue has also been discussed in the Amendment mailed October 14, 2005. Reference Vigue discloses a single compartment.

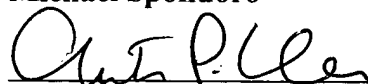
CONCLUSION

In view of the foregoing, Applicants respectfully submit that claims 16 to 22 are in condition for allowance. Applicants respectfully request reconsideration and reexamination of this application

and the timely allowance of the pending claims. If there are any other fees due in connection with the filing of this response, please do not hesitate to contact the undersigned.

Respectfully Submitted,

Michael Spolidoro



By: Anton P. Ness

Reg. No. 28,453

Monte & McGraw, P.C.

4092 Skippack Pike

P.O. Box 650

Skippack, PA 19474

Telephone: 610-584-9400

Facsimile: 610-584-9783

E-Mail: aness@montemgraw.com

Customer No.: 33941

February 27, 2006

Date